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09/916,456	07/27/2001	Allan Losey	60426-321; 2001P07472US01	8736

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EXAMINER

DALENCOURT, YVES

ART UNIT

PAPER NUMBER

2157

5

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/916,456

Applicant(s)

LOSEY, ALLAN

Examiner

Yves Dalencourt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-19 and 21-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-19, and 21-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This office action is responsive to amendment filed on 02/02/04.

#### ***Response to Amendment***

The examiner has acknowledged the amended specification, the amended claims 1 – 2, 4 – 8, 15, 19, the cancellation of claims 3 and 20, and the submission of new claims 21 – 32.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1 – 2, 4 – 19, and 21 - 32 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Objections***

Claim 4 is objected to under 37 CFR 1.75(c) as being in improper dependent form because it is noted that such claim depends on a claim that has been cancelled. Accordingly, the claim has not been further treated on the merits.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 2, 4 - 5, 7, 21, 25, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hideo Furukawa (US 6243022; hereinafter Furukawa) in view of Liu et al (US 6263272; hereinafter Liu).

Regarding claims 1 - 2, 4 - 5, 7, 21, 25, and 31, Furukawa teaches a remote vehicle operation system (figures 1 - 3), comprising a control unit (32, figure 2) communication with at least one subsystem of a vehicle (col. 5, lines 40 - 57); a vehicle transmitter/receiver (30 & 36, figure 2) for communication with said control unit (col. 5, lines 21 - 39); a remote transmitter/receiver (10 & 26, figure 2) for communication with said vehicle transmitter/receiver (col. 5, lines 1 - 10); said remote transmitter/receiver for sending a signal to said vehicle transceiver/receiver to control said vehicle, at least one other subsystem (col. 2, lines 17 - 34) and said control unit for sending a feedback signal about said at least one other subsystem (col. 2, lines 35 - 54; paragraph bridging col. 3, line 64 through col. 4, line 32).

Furukawa teaches all the limitations, but fails to specifically teach the idea of sending a feedback signal about a climate control system and at least one of said vehicle climate control system (claim 1); wherein said remote receiver is a phone (claim 2); said at least one other subsystem is a vehicle navigation system (claim 4); said at least one subsystem is a vehicle security system (claim 5); and wherein said control unit is for comparing a cab temperature to a desired temperature and for sending said feedback signal to let an operator know that the cab temperature is within a range of said desired temperature (claims 7 and 31).

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However, Liu teaches, in the same field of endeavor, a remote vehicle operation system which comprises a control unit that sends a feedback signal about said climate control system (col. 6, lines 24 – 30); wherein said remote receiver is phone (col. 7, lines 40 – 45); said at least one other subsystem is a vehicle navigation system (GPS)(col. 7, lines 37 – 40); said at least one subsystem is a vehicle security system (col. 2, lines 6 - 7); and wherein said control unit is for comparing an interior temperature (the claimed cab temperature) to a desired temperature and for sending said feedback signal to let an operator know that the cab temperature is within a range of said desired temperature (paragraph bridging col. 6, line 57 through col. 7, line 28) .

Thus, it would have been to obvious to one of ordinary skill in the art at the time the invention was made to have modified Furukawa's device by having a control unit that sends a feedback signal about said climate control system, a second receiver which is a phone, a vehicle navigation system, and vehicle security system as evidenced by Liu for the purpose of alerting the vehicle operator and others in case of exceeding high or low temperatures in the vehicle interior that might be life-threatening to those toddlers, pets, or other incapacitated living beings who are left unattended in the vehicle.

Claims 8 – 18, 22, and 29 - 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al (US 6263272; hereinafter Liu) in view of Timothy E. Hammons (US 5791407; hereinafter Hammons).

Regarding claims 8, 22, and 29, Liu teaches a remote vehicle operation system and method (figure 1) comprising a temperature sensor 14, figure 1 to control the

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temperature of a vehicle interior (the claimed an environment conditioning subsystem in a vehicle); and a communication unit (12, figure 1) in communication with said environmental conditioning subsystem (paragraph bridging col. 4, line 65 through col. 5, line 3), said communication unit for transmitting a signal beyond said vehicle when said environmental conditioning subsystem meets a predetermined condition (col. 5, lines 3 – 12; col. 7, lines 29 – 45; once life-threatening conditions are detected, the vehicle driver can be alerted by receiving a page signal from the communications system 21; claimed transmitting a signal beyond said vehicle).

Liu teaches all the limitations, but fails to specifically teach that said environmental conditioning subsystem comprising at least one of an air conditioner and a heating unit.

However, Hammons teaches, in the same field of endeavor, a remote and programmable in dash defrost/cooling system, wherein said environmental conditioning subsystem comprising at least one of an air conditioner and a heating unit (fig. 1; col. 2, lines 24 – 62).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used an environmental conditioning subsystem that comprises at least one of an air conditioner and a heating unit in Liu's device as taught by Hammons for the purpose of providing a remote unit that enables a user to remotely enable the system such as the environment conditioning system.

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Regarding claim 9, Liu and Hammons teach all the limitations in claim 8, and Liu further teaches a remote vehicle operation system, wherein said communication unit is a horn (col. 7, lines 29 – 31).

Regarding claim 10, Liu and Hammons teach all the limitations in claim 8, and Liu further teaches a remote vehicle operation system, wherein said communication unit is at least one vehicle headlight flashing (col. 7, lines 29 – 31; claimed vehicle light).

Regarding claims 11 and 30, Liu and Hammons teach all the limitations in claim 8, and Liu further teaches a remote vehicle operation system and method, wherein a Global Positioning System (GPS) which inherently comprises at least one transmitter and at least one receiver is part of communications system 21 (col. 7, lines 37 – 40).

Regarding claim 12, Liu and Hammons teach all the limitations in claim 11, and Liu further teaches a remote vehicle operation system, wherein said communication unit is at least one receiver is portable (col. 7, lines 34 – 37).

Regarding claim 13, Liu and Hammons teach all the limitations in claim 8, and Liu further teaches a remote vehicle operation system, wherein said communication unit is at least one receiver is a phone (col. 7, lines 40 – 45).

Regarding claim 14, Liu and Hammons teach all the limitations in claim 8, and Liu further teaches a remote vehicle operation system, wherein said communication unit is at least one sensor in communication with said communication unit for sensing temperature (14, figure 1; paragraph bridging col. 4, line 65 through col. 5, line 12; claimed predetermined condition).

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Regarding claim 15, Liu and Hammons teach all the limitations in claim 8, and Liu further teaches a remote vehicle operation system, wherein said predetermined condition relates to temperature reaching a desirable temperature within said vehicle (col. 5, lines 7 - 12).

Regarding claim 16, Liu and Hammons teach all the limitations in claim 8, and Liu further teaches a remote vehicle operation system, wherein said predetermined condition relates to time (col. 6, lines 11 - 14).

Regarding claim 17, Liu and Hammons teach all the limitations in claim 8, and Liu further teaches a remote vehicle operation system, which includes a control unit in communication with said communication unit and at least one motorized port in communication with said control unit wherein said control unit controls movement of said motorized port based on said predetermined condition (col. 7, lines 7 - 28).

Regarding claim 18, Liu and Hammons teach all the limitations in claim 17, and Liu further teaches a remote vehicle operation system, wherein said control unit compares a desired temperature to an interior temperature, and opens a door (the claimed port) should the interior temperature be higher than the desired temperature (col. 7, lines 7 - 25).

Claims 6 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hideo Furukawa (US 6243022; hereinafter Furukawa) in view of Liu et al (US 6263272; hereinafter Liu), and further in view of Kenneth E. Flick (US 6140938; hereinafter Flick).



Regarding claims 6 and 32, Furukawa and Liu teach all the limitations in claim 1, but fail to specifically that a remote vehicle operation system, wherein said at least one other system is a vehicle ignition system.

However, Flick teaches, in the same field of endeavor, a remote control system suitable for a vehicle and having remote transmitter verification, wherein said at least one other system is a vehicle ignition system (col. 8, lines 32 – 41).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Furukawa and Liu's device by having at least one other system which is a vehicle ignition system as evidenced by Flick because Furukawa and Liu teach a remote control to open and close vehicle doors and windows, and flick further teaches at least one other system is a vehicle ignition system for the purpose of providing an enhanced security feature to the remote control of other functions associated with a vehicle.

Claims 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hideo Furukawa (US 6243022; hereinafter Furukawa) in view of Kenneth E. Flick (US 6140938; hereinafter Flick), and further in view of Liu et al (US 6263272; hereinafter Liu).

Regarding claims 19 and 26, Furukawa teaches a method of remote control of a vehicle operation (figures 1 - 3) comprising the steps of transmitting (26) a command to a vehicle subsystem from an operator control (10, figure 2; col. 5, lines 1 – 10); receiving the command at the vehicle (36, figure 2; col. 5, lines 21 - 30); directing a vehicle subsystem based on the command (paragraph bridging col. 5, line 58 through col. 6,

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line 3 - 10); assessing data relating to the vehicle subsystem (col. 6, lines 3 - 10); and transmitting feedback based on the data to the operator (figures 5C and 6C; col. 8, lines 28 - 44).

However, Flick teaches, in the same field of endeavor, a remote control system suitable for a vehicle and having remote transmitter verification, wherein said command is a remote ignition signal and includes starting the vehicle (col. 8, lines 32 - 41).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a system that comprises a command which is a remote ignition signal and includes starting the vehicle in Furukawa's device as evidenced by Flick for the purpose of providing an enhanced security feature to the remote control of other functions associated with a vehicle.

Furukawa and Flick teach all the limitations, but fail to specifically teach the step of comparing a desired cab temperature to an actual cab temperature, and sending said feedback when the two are within a range.

However, Liu teaches, in the same field of endeavor, a remote vehicle operation method, which comprises the step of comparing a desired cab temperature to an actual cab temperature, and sending said feedback when the two are within a range (paragraph bridging col. 6, line 57 through col. 7, line 28).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Furukawa and Flick's device by comparing a desired cab temperature to an actual cab temperature, and sending said feedback when the two are within a range as evidenced by Liu for the purpose of providing a

communications system for alerting the vehicle driver or others when the danger of fatalities comes about.

Claims 23 - 24 and 27 - 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hideo Furukawa (US 6243022; hereinafter Furukawa) in view of Liu et al (US 6263272; hereinafter Liu), and further in view of Timothy E. Hammons (US 5791407; hereinafter Hammons).

Regarding claims 23 – 24 and 27 – 28, Furukawa and Liu teach all the limitations in claims 21 and 26, but fail to specifically teach that a setting of said environment conditioning system is controllable through said remote transmitter (claim 23); and wherein said setting is at least one of a temperature setting and a blower setting (claim 24).

However, Hammons teaches, in the same field of endeavor, a remote and programmable in dash defrost/cooling system, which comprises a setting of said environment conditioning system is controllable through said remote transmitter; and wherein said setting is at least one of a temperature setting and a blower setting (fig. 1; col. 2, lines 38 – 62).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a setting of said environment conditioning system is controllable through said remote transmitter; and wherein said setting is at least one of a temperature setting and a blower setting in Furukawa and Liu's device as taught by Hammons for the purpose of providing a remote unit that enables a user to remotely enable the system such as the environment conditioning system.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### **Contact Information**

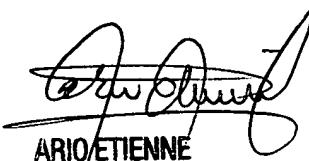
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on M-TH 7:30AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yves Dalencourt

*Y.D.*  
April 13, 2004

  
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